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# RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF RACIAL DISCRIMINATION

Report by Mr. Glèlè-Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, submitted pursuant to Commission on Human Rights resolution 1998/26

Addendum

Mission to Hungary, Czech Republic and Romania (19-30 September 1999)

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## Introduction

1. Pursuant to Commission on Human Rights resolutions 1993/20 of 2 March 1993 and 1999/78 (III) of 28 April 1999, and with the agreement of the Governments concerned, the Special Rapporteur carried out a regional mission in Hungary, the Czech Republic and Romania, from 20 to 30 September 1999. This mission was motivated by the allegations the Special Rapporteur had received of systematic discrimination (particularly in education, employment and housing) against the Roma citizens of these countries and the frequent acts of violence against them by members of extreme right organizations and the police (E/CN.4/1999/15, paras. 80-87). The Special Rapporteur was particularly alarmed by the plan of the municipal council of the town of Ústi nad Labem in the Czech Republic (northern Bohemia) to build a wall down a street in order to separate Roma homes from those of the other inhabitants.

2. The endemic situation of racism and racial discrimination against the Roma in Central and Eastern Europe led as from 1997 to a mass exodus, particularly from the Czech Republic, Slovakia and Romania, to seek asylum in Germany, Belgium, Canada, France, Finland and the United Kingdom. In order to curb the mass arrivals of Roma, Canada and Finland then reintroduced entry visas for nationals of the Czech Republic, Slovakia and Romania, while the United Kingdom for its part threatened in September 1999 to reintroduce visas for nationals of the Czech Republic if no solution was found to the influx of Roma asylum-seekers.

3. As a result of the reintroduction of visas in some countries, combined with the fear that the situation of the Roma might prove an obstacle to joining the European Union, which would entail the need to meet EU criteria for human rights and protection of minorities, the Governments of central and eastern Europe have given the matter careful thought. With financial support from the European Union and the help of a number of initiatives by the Organization for Security and Cooperation in Europe (OSCE Supplementary Human Dimension Meeting on Roma and Sinti Issues), ways are now being sought of improving the integration of the Roma in those countries.

4. The Special Rapporteur first visited the Czech Republic (20-22 September), then Romania (23-26 September) and finally Hungary (27-30 September). These countries were selected solely for illustrative and comparative purposes and owing to insufficient human and financial resources and time and not because the situation of the Roma there is more unusual than in other countries of the region, or even western Europe. The sections of this report follow the chronological order of the mission and not the alphabetical order of the countries visited.

## I. CONSULTATIONS IN THE CZECH REPUBLIC

5. During his visit to the Czech Republic (20-22 September), the Special Rapporteur met leading representatives of the Czech State in Prague, including Mr. Martin Palous, Vice-Minister of Foreign Affairs, Mr. Pavel Tychetsky, Deputy Prime Minister and Chairman of the Legislative Council, Mr. Jaroslav Kopriva, Vice-Minister of the Interior, Mr. Alois Cihlar, Vice-Minister of Justice and Mr. Petr Uhl, Government Commissioner for Human Rights; he also spoke with Ms. Marie Benesova, Chief State Attorney. The Special Rapporteur held consultations with representatives of the municipal council of the towns of Usti nad Labem and Brno and with representatives of non-governmental organizations. He also met representatives

of Roma and human rights organizations. He received assistance from Mr. Andreas Nicklish, Director of the United Nations Information Centre in Prague. A list of contacts is given in the annex to this report.

6. The Special Rapporteur wishes to thank the Czech Government for the consideration and the spirit of cooperation shown by its representatives both prior to and during his visit. He also wishes to express his gratitude to the representatives of non-governmental organizations who were kind enough to furnish information and his thanks to the Director of the United Nations Information Centre for his kind assistance.

## A. Overview

7. After the Velvet Revolution of 1989, the Czech Republic opted for a democratic regime and undertook reforms in order better to guarantee human rights. Since 1991 it has had a Charter of Fundamental Rights and Freedoms, article 1 of which sets out the principle of the equality of individuals in their dignity and their rights. The Czech Republic is the successor of the Czech and Slovak Federal Republic, which ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1966, and became a Party to the Convention, which it directly incorporated into its legislation. Despite the ratification, the Czech Republic has not yet adopted legislation prohibiting all forms of racial discrimination.

8. The Czech Republic is also a Party to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and several other international human rights instruments. Where Europe is concerned, the Czech Republic ratified, inter alia, the European Convention on Human Rights in 1992 and the framework Convention for the Protection of National Minorities in 1997.

9. The democratic reforms did not, however, have a beneficial effect on all components of the Czech population, particularly the Roma; this minority remains exposed to racial discrimination, which is manifested particularly in access to employment, housing and education. The Roma are often excluded from restaurants, swimming pools and discotheques and kept at a distance by the majority of the population, who are prejudiced against them. Violent racist acts by skinheads against members of the minority are common.

10. In the 1991 census, 33,000 persons described themselves as Roma. The law does not oblige individuals to declare their ethnic group but the authorities consider that because of the fear of persecution that persists in the collective memory of the Roma since the Nazi extermination and as a result of the policy of enforced assimilation under the Communist regime, many Roma prefer not to declare their origins. According to official estimates, there may be between 166,000 and 206,000 Roma, although a number of those questioned unofficially put their numbers at 300 or 400,000.

11. The largest group, numbering approximately 170,000, is the so-called Slovak Roma (also called Czechoslovakian or Ukraine-Slovak or "Romungro", i.e. Hungarian Roma). They speak dialects that are very close to the Romany language of eastern Slovakia, which is basically codified. The second largest group, called the Vlax (Vlaxiko) Roma, has about 18,000 members speaking a different dialect. The Vlaxiko Roma led a nomadic life until 1959. Other ethnic

groups had already been settled since the seventeenth century. The third group is made up of Hungarian Roma, whose mother tongue is Hungarian. These number approximately 15,000. Only remnants of the strongly assimilated Czech and Moravian Roma survived the Nazi genocide and only some 100 Sinti (German Roma), who were also annihilated, remain. In recent years the presence of Roma from the countries of the former Yugoslavia, Romania and the former Soviet Union has been recorded in various places in the Czech Republic. They do not have permanent residence.

12. Following the break-up of Czechoslovakia, the 1993 Act on Czech nationality had the effect of depriving a large number of Roma living on Czech territory of their nationality, with the inclusion in the Act of conditions which some consider discriminatory, particularly vis-à-vis the Roma. The law distinguished between former Czechoslovaks who possessed Czech citizenship and those who possessed Slovak citizenship. In order to gain Czech citizenship, the latter were required to present documentary proof of permanent residence and to prove that they had had no criminal record for the previous five years. The discriminatory aspects of the law were amended by Act No. 194/1999, which came into force on 2 September 1999. The new Act did away with the provisions requiring a clean record. The effects of this law along with racial violence, however, had led many Roma to seek asylum in Canada, Finland and the United Kingdom and in other European countries, on the grounds that they were exposed to racial discrimination.

## B. Forms and manifestations of discrimination against the Roma

13. Both the Czech authorities and the representatives of non-governmental organizations and Roma community associations admit that the Roma continue to be the victims of intolerance and discrimination in various forms, particularly in employment, education, housing and access to public places. They are also exposed to the violence perpetrated by members of extreme right-wing organizations, or skinheads.

### 1. Discrimination in employment

14. Under the Communist regime, the majority of the Roma, who had been sedentarized by force, had received rudimentary training allowing them access to manual jobs. In the countryside they worked on State farms. With the introduction of the market economy and the restoration of private property, the restructuring of industry and the disappearance of public work sites, large numbers of Roma found themselves out of work for lack of the necessary skills to meet market needs but also because of prejudices against them and discrimination on the part of employers. Some employers consider them to be "lazy" or "irregular in their jobs", so that even when they have the necessary qualifications, they are not hired. In its 1997 report, the Council of Nationalities states that 70 per cent of Roma are unemployed and that this figure is as high as 90 per cent in some areas, while the general unemployment rate is 5 per cent.

### 2. Discrimination in education

15. The education system tends to relegate Roma children to "special" schools, considered by some to be institutions for the mentally handicapped or for children suffering from what is regarded as asocial behaviour. The Government estimates that 70 to 80 per cent of Roma children attend institutions of this type. As a result, a large number of Roma children leave

school without primary school qualifications, since education completed at special schools is not considered as completed primary education, nor is completion of a grade lower than eighth. Uncompleted primary education makes studies at secondary school impossible and even precludes attainment of a qualification in regular apprenticeship. The lack of qualifications among adult Roma is one of the main reasons for their difficulties finding jobs, their dependence on social benefits, and the general marginalization of the entire Roma community. Over time, this "parallel" system of education has separated Roma children from the majority of Czech children from their earliest age, which is hardly conducive to social harmony between the different components of the Czech population.

### 3. Racial prejudice and cases of racial discrimination

16. Over and above economic and social factors, the situation of the Roma is the result of age-old prejudices which are widespread among the population and of certain practices by State officials. The Roma are generally regarded as "dirty", "noisy", "thieving" and "lazy". While some Roma do resort to crime to meet their needs (mainly in the form of theft, receiving stolen goods and prostitution), the Roma population as a whole is considered to be criminal, or even naturally or genetically predisposed to crime. The media contribute to propagating an image that is extremely damaging to the integration of the Roma minority.

17. For most Czechs it is impossible to reconcile aspects of the Roma way of life and culture with the majority culture (the persistence of nomadism to some extent; a traditional way of life in which the community, under the authority of a patriarch, takes precedence over the individual; early marriage of Roma children; the status of girls and women who have no formal education and are primarily destined for marriage). Somatic differences (the Roma seem to be darker-skinned than the rest of the population) may also lie at the root of the psychological and physical distance between the Roma and the majority of the population. The Roma for their part mark their own distance from the majority, who are referred to as gadjo (which means "white" but in a pejorative sense).

18. On occasion Roma are not served in restaurants or are not allowed into discotheques. Discotheque owners bypass the law by putting up a sign to the effect that their establishment is a private club for members only. When Roma apply for membership, however, they generally obtain no reply.

### 4. Racist violence

19. Anti-Roma violence comes primarily from extreme right-wing movements. Several extreme right-wing groups have been active in the Czech Republic since 1990 (there are 5 to 6,000 estimated skinheads). They organize street parades, meetings and concerts and attack the Roma, Jews and foreigners both verbally and physically. These organizations also circulate racist publications.

20. It was between 1990 and 1993 that racist violence caused most victims, but since the Government had not paid any attention to the phenomenon, the data are not exact. The authorities believe that 11 out of every 13 persons who have died in racist attacks since 1990 are Roma. The most tragic cases are the following:

(a) In September 1993, in the town of P'isek in southern Bohemia, a group of skinheads pushed four Roma into the River Otava, then stood on the bank and threw stones at them to prevent them landing on the shore; one of the Roma, Tibor Danihel (aged 18) drowned. There were numerous irregularities in the inquiry into this incident. To begin with, of the 19 skinheads accused, only 4 were sentenced, but only for voluntary manslaughter. An application for judicial review brought the case back to the courts and in 1998 the principal aggressors were tried for racist murder. In January 1999, the High Court set aside the judgement for formal procedural reasons. The Minister of Justice filed an application for judicial review of this decision by the High Court; on 27 May 1999, the Supreme Court referred the case to the High Court to rule on the appeal. In its effective ruling of 30 June 1999, the High Court in Prague extended the sentence originally imposed on defendant Chumacek to 8 years and 8 months of imprisonment, on defendant Pomyje to 6 years and 6 months, and rejected defendant Halich's appeal against the length of his prison sentence;

(b) In October 1993, in Radek nad Nisou (northern Bohemia), Milan Holub (aged 21) was shot dead during a fight with two men, one of them a skinhead. The two men reportedly provoked the fight by making the Nazi salute. The young Rom then punched one in the face, whereupon the latter fired. The court released the gunman in 1995 on grounds of self-defence. The High Court rejected the appeals by the representative of the State in a decision of 13 August 1997;

(c) In May 1995, Tibor Berki (aged 42) died during a skinhead attack in Zdar nad Sazavou (eastern Bohemia); his attacker was sentenced for murder. This murder led to a reversal of public opinion concerning racist acts and was behind government measures to combat them.

21. In 1998, official statistics indicated that 133 racially-motivated crimes had taken place and that 184 persons had been sentenced. These crimes include both physical and verbal attacks and incitement to racial hatred. The following cases may serve as illustrations.

(a) On 15 February 1998, in Vrchlabi (eastern Bohemia), two skinheads threw Helena Biháriova (aged 26) into the Elbe. She was drowned despite the assistance of a journalist who jumped into the river to save her. On 29 September 1998, one of the accused was sentenced to eight and a half years and the other to six and half years' imprisonment, not for a racist crime but for blackmail resulting in death;

(b) In May 1998, three Roma were attacked by a group of skinheads in Orlová (northern Moravia). One of them was kicked unconscious and left lying on the road where he was run over by a car. The court of the district of Karviná only gave the perpetrators suspended sentences for attempted violence leading to incapacity for work;

(c) On 17 May, in Karviná, a Rom named Milan Lacko was attacked and beaten by four skinheads who left him for dead on the road. He was run over by a lorry and died of his injuries on 26 October 1998.

22. Several of the persons to whom the Special Rapporteur spoke maintained that racist crimes were not punished as they should be, with the result that many racist crimes were not reported to the police because the victims had no confidence in the justice system.

23. The Government says, however, that the law has become more strict since 1 September 1995. Racist motivation has been included in the definition of several offences, such as murder, violence causing death, mutilation or incapacity for work, blackmail or damage to property - leading to such offences being more severely sanctioned. Similarly, harsher penalties apply to offences involving racism and xenophobia, including defamation of the nation or race and incitement to racial hatred.

## C. The Ústi nad Labem wall

24. The case of the Ústi nad Labem wall clearly illustrates the tensions between the Roma and the majority population. In the autumn of 1997, the district of Nestemice and the municipality of Ústi nad Labem started planning to build a four-metre high wall to separate housing inhabited for the most part by Roma (30 families, i.e. 130 persons living in two blocks of flats) from that of the non-Roma inhabitants of Maticni Street, who lived in four houses on the other side of the street. Originally, the wall was supposed to have a single opening, which would have impeded the free passage of the Roma inhabitants, while the existing barrier has two openings. The municipality and the district council justified the measure on the grounds of neighbourhood problems between the two groups of residents. Roma children allegedly were too noisy until late at night; Roma families who lived off the recycling of old goods had piled up large quantities of unusable objects; some Roma reputedly took drugs and practised drug-dealing; non-Roma residents were said to have been attacked by the Roma, while the latter complained that they had been insulted by the former. Efforts at reconciliation led to the place being cleaned up but did nothing to remove tensions.

25. The Czech Government stated that it regarded the municipality's plan as both serious and disquieting; the project was a breach of human rights, above all of human dignity and the equality of individuals before the law without regard to social origin, membership of an ethnic group or wealth. The Government asked its human rights delegate to negotiate with the municipality to ensure that the human rights of the Roma were strictly respected. It wanted to be informed of the results of those negotiations before the wall was started. It would then consider the various viewpoints before it undertook the necessary legal steps to annul the municipality's decision in the event that plans to build the wall appeared to be going ahead.

26. The Roma residents, who set up the Romská duha (Roma rainbow) association, along with other Roma associations and human rights organizations, put pressure on the municipal authorities and the district council by bringing the wall project to the attention of the media. A petition containing 300 signatures was sent to the Government.

27. Despite the reservations expressed by the Government and Roma opposition, the municipality and district council on 15 September 1998 maintained their decision to build the wall, but decided to lower it to 1.8 m and make provision for three openings, claiming that the wall was for soundproofing purposes. As a result, after negotiations with the local authorities, the local government representative or district Director (the equivalent of a prefect) suspended the decision of the municipality and district council on 29 June 1999 for infringement of article 10 of the Charter of Fundamental Rights and Freedoms. The decision was then submitted to Parliament, which has jurisdiction over the acts of local authorities.

28. Before going to Maticni Street, the Special Rapporteur talked to Mr. Ladislav Hruska, the Mayor of Usti nad Labem and to Mr. Pavel Tosovsky, the Mayor of Nestemice district. The municipal authorities regretted that the affair of the Usti nad Labem wall should have become so inflated because of the political capital that some people were trying to make out of it and the importance the media had given to the event. For them it was simply a matter of building a wall to reduce the noise and other nuisance mentioned by the Roma's neighbours and not in any way to shut in or isolate the Roma. They said that both parties had been consulted before the decision to build the wall and had given their consent. The Special Rapporteur talked to the representatives of the Roma and to non-Roma inhabitants on the spot in order to hear their complaints and encourage dialogue. The Roma said that they had never at any time been consulted and the non-Roma inhabitants reiterated their critical comments.

29. The Special Rapporteur has since been informed that despite the measure to suspend construction, the municipality and council began building the wall on 5 October 1999 and completed it on 13 October. The same day, the Chamber of Deputies ruled against the decision by the municipality and the district council and asked the Government to continue negotiations with the local authorities with a view to dismantling the wall or seeking satisfactory solutions for the parties concerned. Based on talks between the Usti nad Labem Municipal Assembly and Government-appointed Commissioner Pavel Zarecky, the Municipal Assembly decided on 23 November 1999 to remove the wall. The Government has released a special-purpose non-investment subsidy of CZK 10 million towards addressing the problems of inter-ethnic coexistence in the Nestemice District.

## D. Measures taken by the Government and the local communities

30. The Czech Government's readiness to recognize the facts already constitutes vital progress towards solving the problems confronting the Roma. The authorities encountered throughout the visit showed great openness and a desire to cooperate and find appropriate solutions. They replied to the Special Rapporteur's questions without prevarication and furnished him with the relevant documentation. To judge from the reports already submitted to the Committee on the Elimination of Racial Discrimination (CERD/C/289/Add.1) and to OSCE and the Council of Europe, it would appear that the Czech Government has shown great objectivity with regard to the Roma problem.

31. In its 1997 report to OSCE on the situation of the Roma community in the Czech Republic, the Government said in substance that relations between the Roma community and the majority of the population were increasingly affected by inter-ethnic tension, which had an adverse effect on all sectors of society. Resolving the problems facing the Roma while preventing inter-ethnic conflict on the part of the majority emerged as one means of alleviating this tension. It had therefore adopted a plan of action in 1998 entitled "Ground concepts of Government policy towards members of the Roma community with a view to facilitating their integration into society". This document proposes a series of legal and institutional measures intended to eliminate discrimination against the Roma in all spheres (economic, social, political and educational, etc.) and to promote their culture with a view to better integration.

32. The Czech Government's basic position is that the integration of the Roma as a national minority is absolutely necessary. At the same time, the Government realizes that the majority of

Czech citizens are able and willing to admit Roma among them provided that they assimilate with the majority and integrate into it. The Government presumes that each citizen has the right to such integration into Czech society. In fact, each Roma citizen decides what the degree of his/her assimilation will be for his/her whole life. However, this choice has to be free. Everybody has the right to decide about his/her nationality and all methods of compulsion, including indirect methods aiming at denationalization, are prohibited pursuant to the constitutional Charter of Fundamental Rights and Freedoms.

33. The measures which the Special Rapporteur has particularly noted include the bill on the prohibition of discrimination on grounds of race, nationality, ethnic origin and colour and the establishment of a body to supervise enforcement; measures referred to as equality measures (affirmative action) as found in other countries; measures to eliminate racial discrimination in education, employment and housing; and measures to promote Roma culture and encourage tolerance.

### 1. General Act on racial discrimination

34. The Government intends to submit a bill to Parliament prohibiting all forms of racial discrimination. Such a law will clearly define discrimination within individual spheres of life and will determine sanctions for discrimination.

### 2. Equality measures

35. The Czech Government will undertake measures to achieve equality by 2020. These actions will focus on citizens in a situation precisely defined by the Government and will not be limited only to members of the Roma community. The actions will cover access to education and higher qualifications for members of the Roma community and for individuals from similarly affected groups. In its actions the Czech Government will make use of special classes, preparatory classes and courses, extra pay for teachers who work individually with students in such groups, remunerated additional instruction, scholarships for Roma students and certain preferential treatment of Roma companies in placing orders. However, the Government will not use quotas determining the percentage of Roma in public administration, the police, or among applicants admitted to schools.

36. At the same time, within the scope of such additional education and training activities, the Government does not want to give preferential treatment only to members of the Roma community, nor does it intend to favour all members of the Roma community. Criteria for selection of those who would benefit from the equality measures will be specified so as to include all persons in need, irrespective of nationality, race, ethnic origin, etc. Terms already in use, such as: "persons that are difficult to place on the labour market", "children with specific educational and training needs", etc. will be defined; the equality measures will be directed at groups defined in that way. About 80 per cent of persons to whom the equality measures will apply will be members of the Roma community and at least 70 per cent of the members of that community will need such specific help.

### 3. Educational measures

37. The Government will introduce changes in the educational system in order to ensure that Roma children are as successful as others. In order to achieve this goal, it will use various methods, including dismantling language barriers, preparatory classes, using the Romany language as a supplementary teaching language, employing Roma assistants at schools and, in particular, taking an individual approach to students. The system by which a large majority of Roma children pass through special schools and are thus assigned to the least qualified work for the rest of their lives will be replaced by a system of flexible and equality-directed classes at elementary schools with a smaller number of pupils than in normal classes. Roma adults will be given the possibility to complete elementary education and/or obtain additional education.

38. Preparatory classes, the presence of Roma assistants at schools and equality-oriented classes are creditable methods. However, what is most important is individual care, which requires fewer students in classes and special preparation of teachers. In order to achieve such individual care, it is necessary to provide additional training for teachers and to reduce the number of students, particularly in the early grades. Pedagogical and psychological advice centres will decide which children are having educational and training difficulties. In the first phase experienced teachers from special schools who have acquired special education and experience with individual care of children could be recruited to teach at elementary schools.

### 4. Measures to promote Roma culture and encourage tolerance

39. The Government recognizes the Romany language and culture as incontestable cultural values of Czech society. The Romany language and culture will be given more attention since up to now they have been neglected. Both main dialects of the Romany language, i.e. Eastern Slovak and Vlachiko, and the Roma and Vlachiko-Roma cultures will enjoy State protection as well as State support. Knowledge of Roma culture and history, as well as the culture and history of other national minorities, will be incorporated in the general education of all children.

40. Assimilation approaches (also adopted by part of the assimilated Roma) pertain to the society which is in a majority. Therefore, the whole of Czech society should be informed about Roma culture and history, primarily through school lessons. Information on Roma history and culture should be included in textbooks and lectures. However, it is necessary to pay adequate professional attention to the Romany language and culture. Although three Czech universities teach the Romany language and Roma studies, and professionals who will be able to further develop Roma studies prepare at those universities, the subject does not have institutional backing and the necessary funding.

41. The Government will ensure that education and training at all schools will be multicultural, that it will be education for tolerance, and that the objective of such education will be a multicultural society. Education and training in State and State-subsidized schools remains monocultural; at school, children learn only about the history and culture of the Czech nation, where they learn about the history and culture of other nations, these are usually large nations that have their own States. If the information is in some way related to the Czech nation and State, it is usually tendentious and one-sided.

42. Children learn about minorities that have been living on Czech territory for centuries only episodically and pupils learn almost nothing about the Roma in school. However, knowledge of the culture of people living on the same territory is probably best for an understanding of other cultures. In all cases, knowledge of other cultures helps to create a positive or neutral approach, which in turn eliminates prejudices and xenophobic and hostile attitudes. Successful education for tolerance may in the future render the anti-discrimination measures currently in force redundant.

43. Education for tolerance, like information about national minorities, cannot become a separate subject. On the contrary, education for tolerance should permeate all subjects; students should learn about the history of national minorities in their history lessons, just as they should learn about specific historic periods affecting national minorities, about their literature, etc.

44. While the languages and cultures of other national minorities living in the Czech Republic have their roots at least in foreign countries, the Romany language and culture do not have such an advantage. If the Czech Republic wants to enable the Roma to retain and develop their culture, it has to ensure material support and staffing.

45. The Government will encourage a search for forms of coexistence between different ethnic groups for the settlement of conflicts through negotiation and research into attitudes. It will support research to discover why in some regions with a large concentration of Roma there are no problems with coexistence, while in others, despite their relatively small concentration, such problems do occur.

46. Up to the present time there is insufficient knowledge about the coexistence of the Roma community with other inhabitants. Research that has been carried out so far has been mostly descriptive: to describe specific facts in a specific locality and at a specific time. Sometimes, beyond the scope of a particular mission, results have been supplemented by recommendations for further action. No actual research describing the structure of the Roma community, the behavioural patterns of individual groups, or ways of achieving non-problematic coexistence, have been undertaken. At the same time, it is a known fact that in some places the coexistence of Roma and the majority population is good, for example in Cesky Krumlov.

### 5. Measures to improve Roma participation in decision-making processes

47. The Government will ensure the involvement of Roma in decision-making concerning affairs of the Roma community, particularly by creating conditions for the democratization process among Roma that will allow for actual democratic representation. Democratically elected Roma representatives can be the same as Roma representatives elected to cultural self-administration committees within the State.

48. The Roma have founded several political parties and movements and have grouped themselves into several dozen civic associations. Representatives of those parties, movements and associations want to speak on behalf of all Roma and seek participation in decision-making on all issues relating to the Roma community.

### 6. Measures to increase Roma security

49. In order to increase the security of the Roma community, the Government will provide occasional and regular training on racism and Roma for judges and for all officials involved in criminal procedures, as well as for public officers.

50. Regulations, judicial rulings and directives of the public prosecutor's office must give definitions of some terms (such as race, nationality, xenophobia, racist, xenophobic or nationalistic grounds, violence based on racism or xenophobia), so as to enable less experienced investigators, public prosecutors and judges to avoid mistakes.

51. In addition to the measures described above, the Czech Government has introduced institutional reforms intended to coordinate the activities of all ministerial departments on behalf of the Roma. An interdepartmental Commission on community affairs was established in 1997; it is chaired by the Commissioner for Human Rights of the Czech Republic, and includes, inter alia, representatives of the Ministries of Education, Labour, Health, Culture, Social Affairs and the Interior, along with 12 representatives of the Roma community. The Commission supervises the implementation of the Government's plan of action for the Roma.

52. Initiatives inspired by the government project have been taken locally, as in the case of the city of Brno in Moravia, which has drawn up a strategic plan to improve inter-ethnic relations between the majority population and the Roma minority. This plan is aimed at the integration of the 16,000 Roma in the city, and includes educational and vocational training projects, cultural projects (theatre, publication of Romany language periodicals, production of a CD of Roma music), projects for improving Roma living conditions, and the building of a museum of Roma culture. The Special Rapporteur visited Roma House, which is a meeting and activity centre, providing educational support and vocational training for Roma, furnishing advice and psychological support to persons in need and also offering recreational facilities for children of Roma families. The Centre also supports a housing renovation project, which the Special Rapporteur visited, and plans to set up a basket-making centre, this being a traditional Roma activity. The local government also employs a Roma adviser to help in designing and implementing its projects.

53. In 1995 a new general ordinance was issued, requiring representatives of the Public Prosecutor's Office to initiate proceedings for offences motivated by racial hatred. The police established a special department to combat extremism and its activity is probably reflected in the increasing number of racist offences recorded. Although the machinery of justice shows slightly more severity than in the past towards racist crime, the investigation of such cases and the initiation of proceedings against their perpetrators face many obstacles. It is possible that prejudice against the Roma may be a factor, although that is very hard to prove.

## E. Action by civil society

54. Several non-governmental organizations and community associations provide legal or social support to the Roma in an effort to find solutions to their problems. The Roma Movement concerns itself with child education; it organizes seminars on the problems involved in educating

Roma children. In 1997, the R-Mosty civic association initiated a campaign in Prague schools on the subject of "Education for tolerance and against racism". Many talks on the subject have been given in schools.

55. The Prague Human Rights Documentation Centre keeps watch over the activities of extreme right-wing movements, records racist crimes and informs the police. The European Roma Centre, a regional non-governmental organization, has been conducting in-depth studies of the various manifestations of racism and racial discrimination in the country and furnishes legal aid to victims. The Centre has led an unremitting national and international campaign against the building of the Ústi nad Labem wall and in November 1999 filed a complaint on behalf of the inhabitants of Maticni Street against the town authorities.

56. In June 1999, the Centre also filed a complaint with the Constitutional Court against the municipality of the town of Ostrava and the Ministry of Education for segregating Roma children in special schools for the mentally handicapped.

## II. CONSULTATIONS IN ROMANIA

57. The Special Rapporteur visited Romania from 23 to 26 September 1999. In Bucharest he had conversations with senior officials and civil servants, including Mr. Péter Eckstein-Kovacs, Minister for national minorities, Prime Minister's Office, Mr. Jósef Kótó, Secretary of State, Ministry of Education, Mr. Cristian Diaconescu, Director of Legal and Consular Affairs, Ministry of Foreign Affairs, Ms. Romanita Vrinceanu, magistrate, Deputy General Secretary, Ministry of Justice, General Lazar Carjan, Chief, General Police Inspectorate, Ministry of the Interior, and Mr. Vasile-Gabriel Nita, Director, Police Research Institute on delinquency and prevention. The Special Rapporteur also met representatives of national human rights institutions, including Mr. Martian Dan, President of the Parliamentary Commission on Human Rights, Religious Denominations and National Minority Groups of the Romanian Parliament, and Mr. Mircea Moldovan and Ms. Ruxandra Sabareanu, deputies of the Ombudsman. He had working meetings with Mr. Winston Temple, Resident Representative of the United Nations Development Programme and Mr. Ushiro Tsuchida, representative of the Office of the United Nations High Commissioner for Refugees. In Bucharest the Special Rapporteur met the representatives of several Roma community associations and non-governmental organizations. He also visited Mr. Florin Cioaba, King of all Roma, in his residence of Sibiu in central Romania. The Rapporteur also spoke to representatives of Roma community associations and organizations for the defence of human rights or the rights of the Roma in particular. He visited the Romanian Institute for Human Rights where he talked to the director, Ms. Irina Moroianu Zlatescu and her team. A list of the main persons whom the Special Rapporteur met is given in the annex to this report.

58. The Special Rapporteur thanks the Romanian Government for its welcome and the cooperation it furnished during his visit to Romania. He is also grateful to the representatives of UNDP and UNHCR for their logistical support and the information they provided. He thanks the representatives of national human rights institutions and the representatives of Roma community associations and non-governmental organizations who were kind enough to meet him and supply information.

## A. Overview

59. After the 1989 revolution, which brought an end to the dictatorship, Romania undertook legislative and institutional reforms with a view to building up a democratic State under the rule of law, which would protect the human rights of Romanian citizens in general and of national minorities in particular. The Constitution adopted in 1991 provides that "Romania is the common and indivisible homeland of all its citizens, regardless of race, nationality, ethnic origin, language, religion, sex, opinion, political allegiance, wealth or social origin" (art. 4 (2)). Similarly, "the State recognises and guarantees to members of the national minorities the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity" (art. 6 (1)). Chapter II (Fundamental rights, freedoms and duties) specifies that "citizens are equal before the law and before public authorities, with no privileges and with no discrimination" (art. 16 (1)).

60. Romania continued its institutional reforms with the establishment of an Ombudsman in March 1997, with responsibility for defending the rights and freedoms of the people in their relations with the public authorities. A national minorities department was set up and entrusted to a minister attached to the Prime Minister's Office for the purpose of drawing up government policy concerning minorities, drafting bills on the subject and supervising their implementation once they are adopted by Parliament.

61. Romania is party to a number of international human rights conventions, including the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. Where Europe is concerned, Romania is party to the European Convention on Human Rights and its 11 additional Protocols, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the framework Convention for the Protection of National Minorities. The last-mentioned Convention is the basis for the Romanian State's policy for the protection of minorities.

63. The latest census of the Romanian population, which dates back to 1992, puts the number of Roma at 409,723, or 1.85 per cent of the total population (22,810,035 inhabitants)*. These are persons who have declared that they are members of the Roma ethnic group, since several sources, including the Roma community associations, put the total number of Roma at 2 or even 2.5 million, i.e. more than 10 per cent of the total population. The Roma population is subdivided into several groups, according to their traditional occupations, the language they speak or the degree to which they are either sedentary or nomad. The Roma are divided into at least 40 different groups including the Ursari (bear trainers), Caldorari (tinsmiths and coppersmiths), Fierari (blacksmiths), Grastari (horse dealers), Lautari (musicians), Spoiri (whitewashers), Rudari (woodworkers), Boldeni (flower sellers), Argintari (jewellers) and Slatari (goldwashers). They can also be identified as Corturari (tent dwellers) or Vatrasi (settled).

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* The eleventh period report of Romania to the Committee on the Elimination of Racial Discrimination in 1993 (CERD/C/210/Add.4, paras. 16 to 19, gives more data on national minorities and the Roma.

There is also linguistic diversity among Roma. An estimated 60 per cent speak Romany in the family but also Romanian or Hungarian depending on their geographic location. However, there are also those who have lost their language and speak only Romanian or Hungarian. As a consequence of a deliberate assimilation policy of the former communist regime, most Roma have settled.

## B. Forms and manifestations of discrimination against the Roma

64. While prejudices against the Roma tend to predominate, remarks by some representatives of this minority are indicative of its ambiguous situation in Romanian society. The Roma King considers that "Romania is the country the Roma feel most at home in, and this explains why they are so numerous". The representative of the Roma Party says that "there is no racism or xenophobia, but some discriminatory attitudes arise out of the deterioration of conditions of life in Romania, poverty and old attitudes which still predominate against the Roma". There is also a fairly prosperous and well-integrated Roma elite. Other contacts, however, stressed the links between racial discrimination and the poor socio-economic and social conditions affecting the majority of Roma in Romania.

65. The representatives of the Roma associations, however, are in agreement with the officials in recognizing that the police have made efforts to put an end to collective violence (houses burned and persons murdered) and to police attacks on Roma communities between 1990 and 1996 (see A/49/677, para. 85, A/50/476, para. 59 and Amnesty International, Roumanie: mise à jour des préoccupations d'Amnesty International (Romania: updating of Amnesty International's concerns), September 1993, AI:EUR 39/13/93), even though the perpetrators have not all been brought to justice. Moreover, as in the case of other minorities in Romania and as a result of democratic reforms, the political and cultural rights of the Roma are better protected. By cooperating with the Roma associations, the police are in the process of reforming the behaviour of officers who used to ill-treat and torture detainees of Roma origin and tended to stigmatize the Roma in their fight against crime.

66. The facts reported below do testify to the continued existence of some forms of racial discrimination inherited from the past, but are not intended to detract from the numerous measures the Government has already taken to deal with the problem of discrimination against the Roma at its source, in other words, their socio-economic marginalization.

### 1. Discrimination in education and employment

67. A study by the University of Bucharest in 1993 shows that 80 per cent of Roma have no vocational training and that only 23 per cent of the members of the community have a job. In the workplace, due to their low level of training and education, Roma are given the lowest jobs and find upward mobility in their work difficult. Discrimination against Roma also plays a substantial role in job promotion.

68. It should be borne in mind that the policy of assimilation of the Roma and the elimination of independent economic activities under the socialist regime resulted in this minority abandoning traditional occupations such as brick-making, copper- or wood-working and trade.

With the liberalization of the economy, many Roma have found themselves without a job and without land because of the closing of numerous factories and the abolition of collective farming.

69. Only 50 per cent of Roma children go to school on a regular basis. They are not segregated in specialized establishments as they are in the Czech Republic, but the prevalence of anti-Roma feeling in schools, and particularly among many teachers, discourages parents from sending their children to school. Since teachers are assessed on the basis of the percentage of successful pupils, they tend to reject Roma children, fearing poor school results.

2. Daily prejudices and discrimination - the role of the media

70. The media tend to convey anti-Roma feelings, which became widespread among the population. Not only does the press often refer to the Roma as "beggars", "dealers" and "illiterates", but it draws attention to the Roma identity of persons involved in criminal activities, and the result is that the entire Roma minority is discredited.

71. Various representatives of Roma associations have taken umbrage at the fact that the Romanian Government continues to use the term "Gypsy" in its official documents, although they have stated that they consider this term hurtful and discriminatory. The persistence of prejudices is reflected in this anecdote reported by one of the Special Rapporteur's contacts: during a conference, a Romanian government official allegedly expressed doubts in an aside regarding the origins of a representative of a Roma association on the grounds that he was elegant, educated (he was a sociologist) and probably free of any criminal record (sic).

C. Measures taken by the Government

72. The Romanian Government has taken a great many measures politically, economically and socially to encourage the integration of the Roma. Thanks to wide-ranging educational reforms, several subjects are now better taught in Roma languages. Constant efforts are being made to achieve a wider recognition and better appreciation of Roma culture and to change the image of members of the Roma minority in society. The Government has already drafted a bill on the prohibition of all forms of racial discrimination, for submission to Parliament in the course of the year 2000. With the help of a two million Euro subsidy through the European Union FARE programme, the Government hopes to improve the Roma's living conditions and further their integration.

1. Political and institutional measures

73. Like other minorities, Roma benefited from the democratic reform which ensured their political representation. Under the Constitution of Romania (art. 59.2) and the Electoral Law (Act No. 68 of 1992, arts. 4.1 and 4.5), there are seats in Parliament or, more specifically, in the Chamber of Deputies which are specifically reserved for organizations of citizens belonging to national minorities, the only conditions being that: the organizations concerned must be legally constituted, must participate in the elections, must not have won any deputy's or senator's seat in the elections, and must have won (nationwide) at least 5 per cent of the valid votes. Deputies' seats allocated in this manner are additional to the regular total number of deputies in the Chamber of Deputies.

74. The Roma Party (in Romanian: *Partida Romilor*) is an association which participated in the 1996 elections, in competition with other Roma associations. It was able to gather enough votes to benefit from the affirmative action provisions of the Electoral Law, and has one representative in the Parliament of Romania. But it is important to stress that it is not the only representative of Roma origin in the Romanian Parliament. There are (and there have always been) many more Roma in the Romanian Parliament, who were elected not on an ethnic ticket but as members of a non-ethnic political party.

75. It seems that owing to divisions within the Roma community, its parliamentary representation is not in proportion to its size, unlike the Hungarian minority, which is more united and better organized and whose 1.5 million members are represented by 36 deputies.

76. Where institutions are concerned, the establishment in 1997 of a Department for the Protection of National Minorities (with an office in charge of the social integration of the Roma), headed by a minister reporting to the Prime Minister, demonstrates the importance the Government gives to the integration of the Roma. Similarly, the establishment in 1998 of an interdepartmental body to coordinate activities in favour of minorities (the inter-ministerial Committee on National Minorities) is the result of the Government's desire to solve the problems affecting these minorities consistently and efficiently. However, the representatives of the Roma organizations have pointed out that they are not involved in the decision-making process in those bodies; they would have preferred the post of director responsible for the integration of the Roma to have gone to a Rom, who, in their opinion, would be more familiar with the needs of their group.

### 2. Economic and social measures

77. As part of a social integration strategy for the Roma, the Ministry of Labour and Social Protection with the assistance of representatives of the Roma minority, has launched a special vocational guidance programme to take effect in local labour and social protection offices. The National Office for Roma of the Department for National Minorities has carried out a series of projects to improve the level of employment of the Roma and to introduce them, in cooperation with national and international partners, to lucrative activities.

78. Regarding housing for Roma, an example of "good practice" was brought to the attention of the Special Rapporteur. In September 1999, in Nusfalau, Salaj County (north-west of Romania), 10 "social houses" were inaugurated for Roma of that village. In Romania, this housing project was carried out with sponsorship from the Dutch foundation SPOLU and with very consistent participation by the whole community of that village, including Romanians, Hungarians and Roma. The Roma beneficiaries of these new houses were directly involved in their construction, providing both labour and materials (such as bricks).

### 3. Educational measures

79. Early in 1990, the General Education Department for National Minorities of the Ministry of Education set up three classes for Roma teachers in the teacher training colleges of Bucharest, Bacau and Târgu-Mures.

80. In 1991, the Ministry of Education drew up a Romany language study programme for Roma primary teachers (ninth to thirteenth grade) in the teacher training colleges, introducing into the syllabus the official international Romany language alphabet adopted in Warsaw in April 1990 at the World Roma Congress. The same year a collection of Romany texts was prepared for use in Romany language and literature courses for Roma primary teachers. In accordance with the 1994 syllabus, a Romany language handbook was published for students in teacher training colleges, which, along with the Romany-Romanian dictionary published in 1992, is used to teach Roma students in these colleges in their mother tongue. In 1995, a collection of texts in Romany for the second to fourth grades was published.

81. The teaching of Romany in primary schools began in a few schools in the school year 1992-1993. It is also supported by education projects initiated by the Bucharest-based non-governmental organization Romani CRISS (Roma Centre for Studies and Social Action) in the localities of Coltau and Valenii Lapusului in the department of Maramures. In 1993, the Ministry of Education gave its backing to authorizing two schools for Roma pupils (the "Rrom-Rrom" school in Caracal, annexed to School No. 6 and the Ferentari-Bucharest School) as part of the Baptist Church's project for the education of street children.

82. After completing their studies in July 1995, the primary teachers trained in Roma classes began in their schools to organize groups of pupils of their own ethnic group during the school year 1995-1996 to study the Romany language.

83. The Ministry of Education has also started a coherent programme of affirmative action for Roma, from kindergarten to university. The same Ministry also inaugurated the hiring of school inspectors in each of the 42 counties of Romania. During the academic year 1999-2000, more than 150 Roma students benefited from the special State University places reserved for Roma under an affirmative action programme. There are many other Roma students in practically all the universities in Romania who prefer not to take up such special places but to pass instead through "ordinary" entry channels.

84. The Association of Students and Young Roma against Racism, however, in interviews with the Special Rapporteur, denounced practices which since 1997 have aimed at abolishing the Romany language and literature department of the Faculty of Foreign Languages and Literature in the University of Bucharest. Despite the interest expressed by a large number of students, only 13 out of the planned 20 places have been reserved for the study of the Romany language, which jeopardizes the department's existence. The Association has asked the Rector of the University to intervene to ensure the acceptance of a sufficient number of students who have applied to enter the Romany language department, so that the department can be maintained.

### 4. Legislation against racial discrimination

85. The Department for the Protection of National Minorities has already drafted a bill against all forms of discrimination, which will be submitted to the Government and the Parliament after obtaining the necessary signatures from all interested ministries. This bill makes provision for the prohibition of racial discrimination in public life, education, employment, health, public and social services, private dignity, etc. The Government hopes that this law will contribute to reducing significantly the number of manifestations of racial

discrimination in Romania. The draft also contains provisions concerning the establishment of a national council against discrimination, which will be a governmental body able to investigate cases of discrimination and to apply sanctions in case of violations of the law.

86. Pending the establishment of the council against discrimination, the Ombudsman's representatives have reported receiving several complaints from persons of Roma origin, mostly about discriminatory treatment, either by the police or in the areas of health and social assistance.

### 5. Measures taken by the police

87. The police inspectorate, in partnership with several Roma associations, has taken several steps to prevent crime within the Roma ethnic group. The programmes implemented aim to:

(a) Determine the needs and characteristics of the Roma ethnic group so as to be able to deal with any problems the police might come up against in a fair and non-discriminatory manner;

(b) Set out police suggestions for ways of dealing with specific problems of the ethnic group, while respecting citizens' rights and freedoms;

(c) Put into practice crime prevention strategies within the ethnic group in order to change the way the group is perceived by the rest of the population.

In several symposia, police officers and representatives of the Roma have discussed how the relationship between the Roma and the police is perceived, and the role and place of the police officer in a multi-ethnic State. Joint programmes involving Roma associations and the police have been devised to make communication between them easier.

88. Courses on the implications of law-breaking have been given to social workers dealing with the Roma. Between 1996 and 1998, 25 meetings were organized to bring together the police, local leaders of the Roma minority and the administration with a view to preventing violence and resolving the conflicts that are common in certain districts.

## D. Activities of United Nations bodies

89. The representative of the United Nations Development Programme (UNDP) said that UNDP supported the Government's efforts to improve the economic and social situation of the Roma. Hence, a pilot project with funding of US$ 187,000 has been launched to eliminate poverty among the Roma in the Zabauti district of Bucharest and in the town of Negresti (Vaslui county).

90. The representative of the United Nations High Commissioner for Refugees expressed concern about the large number of stateless persons among the Roma, particularly among Roma children whose birth has not been registered with the Romanian authorities and who still have no form of identification. The Office of the High Commissioner is of the view that Romania's

accession to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons would facilitate the search for solutions to this worrying situation and would also contribute to the integration of the Roma.

## E. Action by civil society

91. A large number of Roma associations are active in several areas, particularly at the political and social levels and in the area of education, and provide significant support to government initiatives. A number of associations provide legal support for the victims of racial discrimination and are constantly working towards the elimination of this scourge. These ethnic associations enjoy the cooperation with non-governmental organizations such as Liga Pro Europa.

92. The Roma Centre for Studies and Social Action (Romani CRISS) is one of the most active organizations both in the fight against racial discrimination and in carrying out economic, social or educational projects. The Centre collaborates with governmental and municipal bodies, provides legal assistance to the victims of racial discrimination and makes recommendations to the Government with a view to amending laws. It comprises mainly Roma students, jurists and lawyers. One of the organization's jurists, Nicolae Gheorge, was recently appointed councillor for Roma and Sinti affairs at the Organization for Security and Cooperation in Europe (OSCE), where he helps to work out regional strategies to resolve problems affecting this minority.

93. Romani CRISS was involved in the discussions between the police and Roma associations aimed at finding ways to improve relations between the former and members of the Roma minority. It also cooperates with the Ministry of Education to improve school conditions for Roma children and the teaching of the Romany language.

94. The Roma Party (Partida Romilor) is a politically active association and the only Roma organization represented in Parliament. It claims to have 800 members in 200 subsections throughout Romania. It campaigns for Roma unity and to improve the economic and social conditions of the Roma.

95. Lastly, an important figure is the "King of all Roma", His Majesty Florin Cioaba, who is also the president of the Christian Roma Centre in Romania. The King devotes himself to various economic activities, the profits from which go towards various Roma community projects in Sibiu, including the construction of a handicraft training centre intended to revive traditional Roma crafts such as basket-making, woodworking and copper-working. The King also exerts moral authority: as departmental councillor of the Roma Party, he exercises some influence within his region.

96. The Romanian Human Rights Institute, established in 1991 with the support of the United Nations Centre for Human Rights, is helping to create a human rights culture in Romania by disseminating regional and international human rights instruments. It trains instructors in the field of human rights and takes the lead in studies of human rights issues in Romanian society, organizing seminars and workshops on various subjects. The Institute also presents a monthly radio programme for the general public.

## III. CONSULTATIONS IN HUNGARY

97. The Special Rapporteur spent most of his stay in Hungary in Budapest from 27 to 30 September 1999. He met senior officials from the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Justice and the Ministry of the Interior. He also had talks with Mr. Gyula K. Szelei and Mrs. Klára Breuer, respectively Director-General for International Organizations and Chief of the Department of Human Rights and Minorities Legislation at the Ministry of Foreign Affairs, Mr. Toso Doncsev, President of the National and Ethnic Minorities Office, Mr. Tamas Ban, Director-General at the Ministry of Justice, and Mr. Zsolt Jékely, Director-General at the Ministry of Cultural Heritage.

98. The Special Rapporteur also had talks with parliamentarians, including Mr. Béla Pokol, Chairperson of the Constitutional Committee of the National Assembly, and Mrs. Kosa Magda Kosacs, Chairperson of the Committee of the National Assembly for Human Rights, Minority Rights and Religious Affairs. He had meetings with representatives of national human rights institutions, including Mr. Jenö Kaltenbach, Parliamentary Commissioner for the Rights of National and Ethnic Minorities, Mr. László Majtényl, Parliamentary Commissioner for Data Protection, and Mr. Péter Polt, Deputy Ombudsman. He also met Mr. Lorenzo Pascuali, Deputy Representative of the United Nations High Commissioner for Refugees. Lastly, the Special Rapporteur had talks with representatives of Roma community associations and organizations for the protection of rights, and the rights of the Roma in particular. A list of the most important people with whom the Special Rapporteur spoke is contained in the annex to this report.

99. The Special Rapporteur would like to thank the Hungarian authorities for their warm welcome and their cooperation in the preparation and course of this visit. He would also like to thank the Deputy Representative of the High Commissioner for Refugees and all the associations and organizations with which he had talks.

### A. Overview

100. The changes which have occurred in the political and economic system are part of the upheaval that affected most of the communist regimes in central and eastern Europe after 1989. As a result, Hungary opted for a democratic system with institutions to guarantee the rule of law and human rights and fundamental freedoms, including the protection of the rights of minorities. Thus, in accordance with article 70 (a), paragraphs 1 and 2, of the Constitution, the State guarantees the human rights and fundamental freedoms of all persons on Hungarian territory with no distinction as to race, colour, language, etc. In accordance with paragraph 3 of the same article, the Republic of Hungary guarantees equality before the law and takes whatever steps are required to ensure equality of opportunity.

101. Hungary is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. Since it joined the Council of Europe in 1990, Hungary has been a party to the European Convention on Human Rights. In 1995, it ratified the framework Convention for the Protection of National Minorities.

102. Nevertheless, observers have commented that, during the democratic transition, the Gypsy communities suffered not only from increasing social disadvantages, but also from attacks from the far right and from discriminatory measures by institutions, the State and local government. The various political actors were unable to prevent "traditional" discrimination against Gypsies by local governments, schools, employers, the police and occasionally prosecution authorities.

103. At the last census, in 1990, 148,000 people said they were Roma or Gypsies, but the actual number is estimated at 500,000 (5 per cent of the total population). It should be pointed out here that the term "Gypsy" is quite acceptable and commonplace in Hungary, unlike in Romania or the Czech Republic, where it is used pejoratively. It does not refer to a homogeneous ethnic group. After arriving in Hungary in the fourteenth and fifteenth centuries, the Gypsies led a nomadic life until the eighteenth century. The industrial mass production methods of the twentieth century rendered superfluous their traditional occupations in commerce and crafts (adobe brick-making, trough-making and trade). As a consequence, a great many of them undertook unskilled jobs in large factories during the socialist industrialization and became commuting residents of workers' hostels. They were the first to lose their jobs and their modest livelihoods after the change of regime in the 1990s. The Gypsy minority that lives in Hungary can be divided into three large groups according to tribal origin and native language. The Romungros, whose mother tongue is Hungarian, constitute the majority of the Gypsies. The Olah Gypsies, whose native language is Gypsy, constitute approximately 20-22 per cent, while the Beyash Gypsies, who speak an archaic version of Romanian, make up 8-10 per cent of the Gypsies in Hungary.

104. The Government has stated that it is aware of the problems faced by the Gypsies, but it considers these problems not to be a question of racial discrimination as such but one of the economic and social circumstances of this ethnic group that have been brought about by Hungary's changeover from a centralized to a liberalized economy. The Roma also have to put up with certain prejudices arising from ignorance and intolerance in the majority of the population, but there has never been any form of institutionalized racial discrimination in Hungary. Nevertheless, the Gypsies do suffer from poverty, a lack of education and professional training, marginalization and high crime rates. Government representatives maintain that measures already taken on the political, economic and social levels should in the medium term facilitate better integration of the Gypsies.

105. However, non-governmental sources told the Special Rapporteur that there is built-in racial discrimination and an insidious form of racism in Hungarian society, and that this discrimination and racism is encouraged by some State officials, particularly the police and local government. These feelings sometimes lead to outbreaks of violence. The Special Rapporteur will try to illustrate the different viewpoints he heard in what follows.

## B. Forms and manifestations of racial discrimination against Gypsies

### 1. Prejudices and discriminatory practices

106. The Gypsies are the only minority that is physically distinguishable from the rest of the Hungarian population. The Government officially promotes multiculturalism and peaceful

coexistence between minorities and the majority, but there are many Hungarians with a racist mentality, whether or not they are aware of it, particularly with regard to the Roma. The average person has a negative view of the Gypsies, who are seen as "dirty", "violent" and "lazy" and as "criminals" and "cheats". The mostly large Gypsy families are considered noisier than others and their lifestyle as a group is frowned upon by the rest of the population. The social benefits paid to many families, which are their only source of income because of the unemployment that affects the majority of the Roma, exacerbates anti-Roma sentiment in some places. An opinion poll carried out in 1997 by the Hungarian polling institute KFT revealed that 60 per cent of the population would refuse to live next to a Gypsy. Racism against Gypsies is insidious: in fact, only a small minority of supporters of the far right, police officers and local officials give violent expression to it.

107. With regard to housing, Gypsies and non-Gypsies have in effect been separated because of the impoverishment of the Gypsy minority, but there have also been attempts by local authorities, under pressure from local people, to isolate Gypsy communities from the majority or to evict them. The refusal to live side by side with Gypsies has sometimes led to violence, especially in rural areas, as revealed by the data collected by the Parliamentary Commissioner for the Rights of National and Ethnic Minorities (the "Parliamentary Commissioner").

108. According to the 1998 report of the Parliamentary Commissioner, most complaints were filed against local councils: altogether, 409 complaints were submitted to him, of which 241 fell into his sphere of competence. Out of these complaints, 77 were filed against local councils (as opposed to the 37 complaints concerning the police), which was almost one third of the cases with respect to which the Parliamentary Commissioner was entitled to take action.

109. The most problematic aspect of such cases is that most of them include indirect discrimination, which is very difficult to prove. However, in some of the cases the discriminatory nature of the complaint was self-evident and the Parliamentary Commissioner was able to take the necessary measures. The so-called "Zámoly case" is one example: in the village of Zámoly, the roof of the building in which the Roma families lived was severely damaged. Seeing a good chance to get rid of the Roma families, who were imposing a serious burden on the social budget of the local council, the mayor suggested that they should move temporarily to the community centre and "ordered" the notary (who is in charge of building affairs in the Hungarian system) to classify the Roma building as "unfit for accommodation" and to order the owners to pull it down.

110. Another attempt to evict Roma families from their home occurred on 29 August 1999 in the village of Újferhértó, in eastern Hungary. Allegedly, a group of about 25 to 30 persons attacked a Gypsy family. Young people armed with iron rods and baseball bats beat up the male members of the family. Eight victims were taken to hospital. The attackers continued to threaten the Gypsies when the police arrived. Two suspects were arrested and interrogated but refused to make a statement.

### 2. Discrimination in education and employment

111. In Hungary, as in the Czech Republic, where pre-school education is concerned, there is a practice of placing Gypsy children in special schools for "mentally retarded" children. This

reduces these children's chances of receiving a normal primary and secondary education and means they have no access at all to higher education. Since 1992, the law has forbidden ethnic data gathering so there are no recent statistics in this respect. However, according to 1995 figures, in 309 special schools Gypsies accounted for 41 per cent of a total of 27,365 children while representing only 7 per cent of all school-age children. According to some of the people who spoke to the Special Rapporteur, the situation is much the same at present.

112. The discriminatory treatment of Gypsy children in the Hungarian school system is particularly evident in the primary school in Pethe Ferenc, in Tiszavasvári district (in the east of Hungary). It was the practice in this school to separate Gypsy children from the other pupils and to forbid them to enter the school cafeteria and gym, or to organize promotion ceremonies, which were different from those of the other children. On 22 April 1999, in response to a complaint by 14 children of Gypsy origin, represented by the non-governmental organization Roma Civil Rights Foundation, a court found the school guilty of racial discrimination and ordered the Tiszavasvári town council to pay compensation of 100,000 forint (US$ 450).

113. The other problematic area is discrimination in relation to employment. Numerous complaints were submitted by Roma to the Parliamentary Commissioner in connection with employment: in several cases, when the employers realized that the job-seeker (whom they had found suitable for the job on the basis of a telephone conversation) was a Rom, they turned the applicant down, saying that the job was already taken. Considering the difficulty of proving discrimination in such cases, current legislation seems sufficient to restrict discriminatory behaviour. Article 75 of Government Decree No. 17/1968 on petty offences orders that discrimination against employees be punished. This regulation is implemented by either the notary of the local council or the so-called "labour inspectorates". The inspectorates are authorized to impose a public administrative fine (ranging from 50,000 to 1 million forint) on any employer infringing this article. However, a different picture emerges in practice: no procedure for the implementation of article 75 of the government decree was initiated and no fine was imposed on employers in 1998 or in previous years.

114. As a result of discrimination, Roma are practically absent from the service sector in Hungary. There are almost no Roma taxi-drivers, shop assistants, kitchen workers in pubs and restaurants, or doormen at banks or hotels. Roma are employed as garbage-collectors, street-sweepers or factory workers. The vast majority, however, are unemployed. The unemployment rate among Roma is estimated at 60 per cent; outside relatively prosperous Budapest, areas with nearly 100 per cent unemployment among Roma are not uncommon, according to several sources.

### 3. Racist violence by the police

115. Hostility towards Gypsies would appear to be almost systemic in the Hungarian police force. In general, the police maintain that the Roma pose more problems than the rest of the population; the Roma, for their part, believe that they are systematically targeted by the police. Non-governmental sources told the Special Rapporteur that the general anti-Roma attitude of the police force is indicated by the high number of cases of off-duty police officers harassing Roma. On 31 July 1998, an off-duty non-Roma police officer from Budapest verbally and physically abused a group of women attending a conference in a holiday resort in Balanszemes. The officer

was verbally and psychologically supported by a group of allegedly drunken non-Roma men. One of the women suffered a concussion, while another, who was six months pregnant at the time, suffered other substantial injuries. The men also allegedly made insulting comments about the ethnic origins of the women. The local police were reluctant to provide assistance to the female victims. They did not take measures at the scene and failed to write a report on the case. The officers of the Siófok city police are also said to have reacted only after women brought the incident to the attention of the national media.

116. Another case of police mistreatment of Roma has been reported as follows. In December 1998, while preparing to celebrate his birthday, a young Rom went out to the pub next door to buy drinks with three friends. An off-duty police officer standing in the door of the pub would not let them in, saying that a private party was being held inside. However, the young Rom wanted only to buy wine and not to drink at the pub, so eventually he and his friends were allowed to enter. The dozen policemen inside the pub attacked the four men. Two managed to escape, but the policemen caught the other two and kicked them. The next day, they went in uniform to the houses of the young men and brought them to the police station. They were told that if they reported the event they would get into trouble.

117. On 9 June 1999, the Roma Civil Rights Foundation filed a law suit against unknown police officers who beat up László Sarközi, a young Roma college student, in one of the parks in Budapest and then in the city's 10th-district police station. According to the victim, he was walking home when a white car stopped next to him. Three policemen not wearing uniforms stepped out of the car and told him to show his identity card and to place the contents of his pockets on the car. He handed them his identity card and gave them the documents he had with him, which included his poems and his college notes. However, when he refused to let them read his papers, the policemen threw him to the ground and handcuffed and kicked him, calling him a "stinking Gypsy" and a "dirty fag".

118. Roma victims are often unable to obtain adequate remedies for such abuses. The 1997 statistics concerning so-called "official crimes" (i.e. crimes committed by public officials) show a depressing picture: while there were 386 reports of forced interrogation, policemen were taken to court in only three cases and charges were pressed only in a further 38 cases. In 142 cases, investigation into the incidents was denied and in 202 cases it was terminated. In summary, 89 per cent of the reports ended without indictment. In the case of ill-treatment, the figures are as follows: 843 reports, 276 denials of investigation, 448 investigations terminated; altogether 86 per cent of the cases ended without indictment. The figures for unlawful detention are as follows: 66 denials of investigation, 86 investigations terminated; altogether 87 per cent of the cases ended without indictment. All in all, approximately 3 per cent of cases brought against the police actually led to convictions. In the few cases where police officers were convicted, the penalties were usually fines, probation or suspended sentences, and the police officers generally remained on the force.

119. On 11 January 1999, in Hajdúhadház, in north-eastern Hungary, on the pretext of a police measure, two juveniles, Attila Rezes and Ferenc Vadász, were seriously injured. As a consequence of the assault, the 16-year-old Attila Rezes suffered a dangerous cerebral lesion and only quick medical intervention saved his life. It has been reported that the police officers from the police station in Hajdúhadház district have been particularly violent to people of Gypsy

origin. In March 1999, four human rights non-governmental organizations, the Roma Civil Rights Foundation, the European Roma Rights Centre, the Legal Defence Bureau for National and Ethnic Minorities and the Hungarian Helsinki Committee, conducted an investigation in this district, which revealed that police methods in Hajdúhadház were humiliating and brutal towards Gypsies. They often included beatings, physical injury and forced interrogation. The High Commissioner of the Hungarian National Police is investigating the situation and it appears that legal proceedings have been started against 15 police officers from this district.

4. Discrimination in the administration of justice

120. The biased attitude of judges towards the Roma is another problem area which was brought to the attention of the Special Rapporteur. As in the case of local councils, it is very hard to find proof of this bias. The situation is further complicated by the fact that, as a result of the fundamental requirement concerning the independence of the judiciary, the Parliamentary Commissioner is not authorized to examine the activity and decisions of judges, although a significant percentage of the complaints are filed against them (29 out of 270 in 1998). The Parliamentary Commissioner's 1998 report asks whether this solution is compatible with freedom of opinion. However, the regulation excluding the courts from the Parliamentary Commissioner's sphere of scrutiny is unlikely to be modified.

5. Discrimination in the provision of services and access to public places

121. Numerous cases of discrimination against Gypsies concerning entry into restaurants, shops and discotheques have been brought to the attention of the Special Rapporteur. Such cases were reported in February 1997, in a shop in the town of Bogács (Borsod-Abaúj-Zemplén county), December 1997, in a discotheque in the town of Polgard, and July 1998, in a shop in the village of Komárom-Esztergom. Details of these cases and many others can be found in the report of the Hungarian Helsinki Committee - Roma Press Centre entitled "Chronicle of everyday events: a year in the life of Roma in Hungary", and in the 1998 report published by the Legal Defence Bureau for National and Ethnic Minorities (NEKI).

C. Measures taken by the Government

122. The Hungarian Government is tackling the problems facing the Gypsies in a determined manner and for this purpose has adopted measures in the political, legal and institutional areas as well as in the areas of the economy, housing, health, education and culture. The police have also initiated reforms in order to change its officers' behaviour towards Gypsies. Medium- and long-term strategies have been designed to reach the targets contained in these measures. The details and accuracy of the information provided by the Government in its January 1999 report to the Council of Europe on the implementation of the framework Convention for the Protection of National Minorities are evidence of the efforts it is making to put an end to the situations described above.

1. Measures in the political, legal and institutional areas

123. In 1993, Parliament promulgated the National and Ethnic Minorities Act (No. LXXVII), article 5 of which stipulates, among other things, that under the Constitution, minorities have the

right to set up their own self-governing bodies. "Minority self-governments", as they are referred to, are legitimate elected bodies which represent the whole minority population of a given settlement. They are entitled to cooperate with the local authorities and to receive annual State subsidies. They have the right to decide their own structure and the way they operate. They have the right to establish and run cultural and educational establishments such as schools, museums and theatres. Local minority self-governments have the right of veto whenever local authorities wish to adopt decrees on cultural, educational or language issues concerning the minority. They also have a say in the appointment of directors of minority institutions. National minority governments operate as negotiating partners for the Government and are consulted when legislation is being drafted at the national, county and capital-city levels.

124. In the opinion of several people who spoke to the Special Rapporteur, this system does not really give power to minorities, as their representatives are not elected exclusively by minorities but by the whole of the electorate in the place where the minority self-government is to be established. Moreover, the supposed right of veto of the self-government representative is in fact only an advisory opinion, as the representative is not entitled to vote in the town council, despite being elected in the same way as the other representatives. Furthermore, the funds set aside for autonomous governments in the national budget are not allocated to them directly, but are managed by the town council in the town where the autonomous government is established, and the council selects the projects concerning minorities. When the majority of the population in the town belong to a specific minority there is probably no risk of bias, but when the population is of a more diverse nature one might expect difficulties in obtaining finance for the projects of a minority that does not pledge allegiance to the majority population, as in the case of a number of autonomous Roma governments.

125. Representatives of Roma associations have pointed out that the Government's political strategy has consisted of co-opting a single Roma organization, Longo Drom, which controls all the autonomous Roma governments, and sidelining other organizations demanding real autonomy for the Roma. Other institutions ensure the protection of minorities in general and the Roma in particular. In June 1995, the Hungarian Parliament appointed a commissioner for law-enforcement. As mentioned above, the Parliamentary Commissioner for the Rights of National and Ethnic Minorities is competent to examine complaints about racial discrimination by State bodies and to make recommendations or refer cases to the courts.

126. In 1990, the Government set up the National and Ethnic Minorities Office in the Ministry of Justice (by decree No. 34/1990 (VIII.30)) to prepare government decisions on minority policy and to develop its programme for minority policy. The National and Ethnic Minorities Office continuously evaluates the enforcement of the rights of national and ethnic minorities and the situation of minorities. It also prepares analyses as a basis for government decisions in connection with minorities. The National and Ethnic Minorities Office coordinates the implementation of government measures concerning minorities and has a department for Roma affairs. In order to coordinate action by ministries involved in implementing medium-term measures to improve the situation of the Roma, an inter-ministerial committee has been set up: it includes representatives of the ministries of the interior, foreign affairs, finance, education, cultural heritage, defence, the economy, justice, health, and youth and sports.

127. Two bodies are responsible for managing the funds allocated to various projects intended to improve the economic and social situation of the Roma and to promote their culture: these are the Public Foundation for National and Ethnic Minorities and the Public Foundation for Hungarian Gypsies. The annual Budget Act contains the annual allocations for these two foundations. The board of trustees of each foundation is responsible for determining the manner in which allocated funds are used:

(a) The Public Foundation for National and Ethnic Minorities supports programmes that provide for the preservation of minority identities, the development of native languages and cultures and the protection of minority interests. It also provides important financial resources for events, programmes and the publication of books and periodicals in connection with minorities' religious traditions and arts, as well as their various holidays and celebrations. It also offers scholarships for minority students attending high school, college or university;

(b) The Public Foundation for Hungarian Gypsies primarily supports the development of small enterprises and employment and health-care programmes that help to sustain the livelihood of minority families and small communities.

Government representatives pointed out that the largest budget item for the minority-related activities mentioned above is devoted to educational purposes. The 1999 Budget Act provided a total of 138 million forint for Roma programmes.

128. With regard to the prohibition of racial discrimination in all spheres of social life, the Government intends to strengthen legislation and monitor racist crimes. The bill to be discussed by Parliament will make it possible to combat racial discrimination more effectively in the areas of education, employment, housing and the provision of services. It will also introduce sanctions for racist remarks made by individuals or broadcast by the media.

### 2. Measures in the area of education and employment

129. The measures proposed for the educational and employment sectors include positive-discrimination measures, such as the provision of educational grants for Roma children, support for especially gifted Roma children, vocational training for unemployed Roma, encouragement for private firms to hire Roma and support for small-scale commercial projects undertaken by Roma. The Government is also contemplating building dormitories for Roma children in schools.

### 3. Measures in the area of health

130. With a view to improving the health conditions of the Roma population and to eliminating the discriminatory practices encountered in their use of medical services, the Government plans to undertake a research programme to study health indicators for the Roma population and the latter's relationship with the institutions providing medical services. A technical programme will be developed in connection with the health policy strategy on the basis of the results of the study.

### 4. Cultural measures

131. The Government, in association with Roma organizations, has drawn up some programmes to raise awareness of Roma culture and to have it more widely accepted as an integral part of the Hungarian cultural heritage. Cultural programmes are broadcast on the television and radio. A box of CDs of Roma music has recently been produced by the Ministry of Cultural Heritage.

132. The National Roma Information and Cultural Centre, run by the autonomous national Roma government, was established in autumn 1998. The central State budget provided 180 million forint for the establishment and operation of this institution. The Centre hosted the first national conference of Roma writers, poets, journalists and artists in April 1999. More than a dozen multifunctional Roma community centres established with State funds have started operating. They play an important role in strengthening local communities and safeguarding Roma culture.

### 5. Police measures

133. The Government considers that law-enforcement officers should be taught about the social, historical, cultural and sociological background of the Roma. To that end, the Minister of the Interior invited representatives of Roma organizations to discuss the relationship between the police and the Roma population, and a programme on Roma ethnicity, traditions, culture and lifestyle was subsequently launched with their cooperation. Training in techniques to manage and prevent conflicts arising from prejudice has also been included in the education and training provided for law-enforcement bodies at middle- and senior-manager level, with the involvement of foreign and national organizations specialized in conflict management.

## D. Action by civil society

134. Several non-governmental organizations are taking effective action to improve the situation of the Roma in Hungary. A number of them enjoy financial support from the Soros Foundation, which has set up a comprehensive programme to support activities to help the Roma in the areas of education, the media and legal assistance. A total of 198 million forint was allocated to this programme in 1998. Organizations such as the Roma Civil Rights Foundation, the Legal Defence Bureau for National and Ethnic Minorities, the European Roma Rights Centre, the Hungarian Helsinki Committee and the Roma Parliament, which are very effective in the field, have benefited from this assistance.

135. The Roma Civil Rights Foundation, which is committed to the civil and political emancipation of the Roma, points out that during the four years it has been in operation it has established successful and indispensable civil institutions and programmes, including the network of fact-finding, crisis-managing and legal defence offices, the Roma Press Centre, the "invisible college" and Free University programmes of Romaversitas, and the Roma Community Centre in Budapest-Ertébetváros. Since 1995, the Foundation has regarded as one of its main tasks the creation of a network of legal defence offices that contribute to the emancipation of the Roma in Hungary by giving legal advice and providing free legal aid and also by taking a resolute stand against all forms of discrimination affecting the Roma.

136. The Romaversitas programme of the Foundation, which is considered as a model initiative in complementary higher education, provides intellectual and financial support for college and university students of Roma origin. The Foundation's "invisible college" is a tutorial system involving scholars and scientists and supports students with special grants; the Foundation also sponsors the Free University, where vocational skills are taught by experts and specialists in various fields. A student centre for undergraduates provides an environment with computers and other office equipment.

137. The Legal Defence Bureau for National and Ethnic Minorities (NEKI) has been a pioneer in providing legal assistance to the victims of racism and discrimination. Since it was set up in 1993, it has provided an accurate picture of racial discrimination in Hungary on the basis of the cases it has studied. Its annual reports on cases of racial discrimination are authoritative and its recommendations to the Government with a view to strengthening legislation against racial discrimination deserve close attention. NEKI considers that there are currently no adequate legal sanctions for racially motivated petty offences (abuse, duress, harassment, etc.) committed in connection with the victim's national, ethnic, racial or religious identity; nor are there any proper criminal sanctions for discriminatory acts causing psychological injuries such as humiliation. Therefore, NEKI has suggested that the following steps should be taken: an anti-discrimination act should be passed, an adequate system of sanctions, which would be suitable for the prevention of discriminatory acts and the effective punishment of offenders, should be developed, and an effective institutional system should be set up to guarantee the implementation of the anti-discrimination act and the above-mentioned sanctions.

138. Together with other organizations, the European Roma Rights Centre and the Hungarian Helsinki Committee have often pressured the police and local authorities to change their attitudes. These organizations have taken part in various investigations into the forms and manifestations of discrimination, which have helped to advance official thinking on how to deal with the problem and which have contributed to the search for more suitable methods.

139. The Roma Parliament sees itself as an organization offering an alternative to the "effective non-representation" of the Roma in local and national bodies: it pursues a political and cultural policy designed to strengthen the identity and unity of the Roma. It also provides courses on politics for its supporters and publishes a magazine called *Amaro Drom* to publicize Roma culture. The Roma Parliament complains that it is ignored by the Government and regrets that it does not receive any subsidies like other Roma organizations.

## IV. CONCLUSIONS AND RECOMMENDATIONS

140. This mission report, while quite general in nature, aims to highlight the problems faced by the Roma in this part of Europe and to give the Commission some information on efforts by the three Governments to help them. The Czech Republic, Romania and Hungary were chosen because of the resource and time constraints within which the Special Rapporteur had to work and not because of any desire to stigmatize these countries for problems that are of a regional nature. Nevertheless, the mission has made comparisons possible: while there are many similarities in the situation of the Roma population in all three countries, there are also differences. It has been seen that prejudice against the Roma is the same in the Czech Republic as in Romania and Hungary but, whereas violence against them is under control in Romania, it

persists in the Czech Republic and Hungary. Whereas in the Czech Republic and Romania, Roma affairs are managed by administrative bodies with representatives of Roma associations as partners, in Hungary the Government works with elected Roma representatives on the design and development of programmes for their community, even though the system of "self-governments" still raises some doubts. All in all, it should be stressed that in their common desire to become members of the European Union, the Governments of all three countries are genuinely committed to carrying out reforms which will benefit the Roma and which, if they are followed through, should meet with success in the medium or longer term. It is therefore with the intention of supporting this process and allowing the Commission on Human Rights to continue to follow closely the situation of the Roma that the Special Rapporteur makes some recommendations for the Governments of the Czech Republic, Romania and Hungary.

### A. Czech Republic

141. Roma and non-Roma families in the town of Ústi nad Labem should be encouraged to come together and hold talks on living side by side on better terms.

142. The segregation of Roma schoolchildren should be stopped through steps to ensure equality of opportunity for this population and equitable access to education for all.

143. The Czech Government should speed up the process of passing a law to curb racial discrimination in all walks of life by following the example of the Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination, prepared by the United Nations.

144. The Czech Government should plan cultural exchange programmes that would allow the Roma and the majority of the population to draw closer together.

### B. Romania

145. Action is needed to prevent the disparagement of the Roma in the media, to raise awareness of Roma culture and to carry out a campaign to educate the general public in human rights and tolerance.

146. The Romanian Government should involve the Roma more closely in taking decisions that concern them.

147. The Romanian Ministry of the Interior should pursue its efforts to change police officers' attitudes to ensure that the Roma receive better treatment.

### C. Hungary

148. The Hungarian courts should come down harder on racist crimes or acts committed by individuals or by State officials.

149. The Hungarian Government should pass a law along the lines of the Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination, prepared by the United Nations, in order to combat racist acts in all areas of economic and social life.

150. The Hungarian Ministry of Education should take steps to end the segregation of Gypsy schoolchildren by developing teaching methods that promote equal opportunities for these children and equitable access to education for all.

151. The Hungarian Government should take action in local communities in rural areas in order to promote a better integration of Gypsy communities and put a stop to their expulsion.

Annex

PERSONS MET BY THE SPECIAL RAPPORTEUR DURING THE MISSION

Czech Republic (20-22 September 1999)

**Government**

Mr. Martin Palous, Vice-Minister of Foreign Affairs

Mr. Pavel Rychetsky, Deputy Prime Minister and Chairman of the Legislative Council of the Government

Mr. Jaroslav Kopriva, Vice-Minister of the Interior

Mr. Alois Cihlar, Vice-Minister of Justice

Mr. Petr Uhl, Government Commissioner for Human Rights

Mrs. Marie Benesova, Chief State Attorney

**Municipalities**

Mr. Ladislav Hruska, Mayor of Ústi nad Labem

Mr. Pavel Tosovsky, Mayor of the District of Nestemice

Mr. Milan Simonovsky, Deputy Mayor of Brno

**Masaryk University in Brno**

Professor Josef Bejcck, Dean, Law Faculty

Professor Vladimir Tyc, Vice-Dean, Law Faculty

Mrs. Marie Sedova, Professor, Department of Foreign Languages

Professor Radoslava Sopovova, Refugee Law Project Coordinator

**United Nations**

Mr. Andreas Nicklish, Director, United Nations Information Centre

**Non-governmental organizations**

Mr. Markus Pape, European Roma Rights Centre

Ms. Margita Lakata Sova, Roma adviser of Prague's third district, Representative of the Vlax (Vlaxiko) Roma

Mr. Duna Chrudim, regional representative of the Roma in East Bohemia

Mr. Ondrej Gina, Chairman, Roma National Congress in the Czech Republic

Mr. Cenek Ruyicka, Chairman, Committee for the Compensation of the Roma Holocaust

Ladislav Bily, President, Roma Regional Council

Romania (23-26 September 1999)

**Government**

Mr. Péter Eckstein-Kovacs, Minister for National Minorities, Prime Minister's Office

Mr. Jósef Kotó, Secretary of State, Ministry of Education

Mr. Cristian Diaconescu, Director of Legal and Consular Affairs, Ministry of Foreign Affairs

Mr. Martian Dan, President, Parliamentary Commission on Human Rights, Religious Denominations and National Minority Groups

General Lazar Carjan, Chief, General Police Inspectorate, Criminal Police Department, Ministry of the Interior

Mr. Vasile-Gabriel Nita, Director, Police Research Institute on Delinquency and Prevention

Mr. Vasile Ionescu, Councillor for the Roma Minority

Mrs. Norica Nicolai, Secretary of State, Ministry of Labour and Social Protection

Mrs. Adelina Lozeanu, Director of the Department of Relations with Civil Society and International Organizations, Department for the Protection of National Minorities

Mrs. Romanita Vranceanu, Deputy General Secretary, Ministry of Justice

Mrs. Dakmara Georgescu, Councillor, General Department of Legislation, Ministry of Justice

Ms. Dakmara Georgescu, Department for the Protection of National Minorities, Councillor of the Minister of Education

Mr. Dan Oprescu, Chief, National Office for Roma, Department for National Minorities

Ms. Liliana Preuteasa, General Director, Ministry of Education

**National institutions for the protection of human rights**

Mr. Mircea Moldovan, Deputy Ombudsman, Office of the Ombudsman

Mrs. Ruxandra Sabareanu, Deputy Ombudsman, Office of the Ombudsman

**United Nations**

Mr. Temple, Resident Representative, United Nations Development Programme

Mr. Ushiro Tsuchida, Representative, Office of the United Nations High Commissioner for Refugees

**Non-governmental and community organizations**

Mr. Florin Cioaba, "King of All Roma"

Mrs. Michaela Gheorghe and Mr. Costel Bercus, Roma Centre for Studies and Social Action (Romani CRISS)

Mr. Istvan Haller, Coordinator of the Office for Human Rights, Liga Pro Europa

Mrs. Irina Moroianu Zlatescu, Director, Human Rights Institute, Bucharest

Hungary (27-30 September 1999)

**Government**

Mr. Gyula K. Szelei, Director-General for International Organizations, Ministry of Foreign Affairs

Mrs. Klára Breuer, Chief, Department of Human Rights and Minorities Legislation, Ministry of Foreign Affairs

Mr. Toso Doncsev, President, National and Ethnic Minorities Office

Dr. András Holló, Vice-President, Hungarian Constitutional Court

Mr. Laszlo Gy. Toth, Senior Adviser to the Prime Minister

Mr. Tamas Ban, Director-General, Ministry of Justice

Mr. Zsolt Jékely, Director-General, Ministry of Cultural Heritage

Mr. Itsván Vilmos Kovacs, Director-General, Ministry of Education

Mr. Itsván Dobo, Director, Office of Refugee and Migration Affairs

Mr. Béla Pokol, Member of Parliament, Chairperson of the Constitutional Committee of the National Assembly

Mrs. Kosa Magda Kosacs, Member of Parliament, Chairperson of the Committee of the National

Assembly for Human Rights, Minority Rights and Religious Affairs

**National institutions for the protection of human rights**

Mr. Flórian Farkas, President, National Gypsy Minority Municipalities

Mr. László Majtényl, Parliamentary Commissioner for Data Protection

Dr. Péter Polt, Deputy Ombudsman

Mr. Jeno Kaltenbach, Parliamentary Commissioner for the Rights of National and Ethnic Minorities

**United Nations**

Mr. Lorenzo Pascuali, Deputy Representative, United Nations High Commissioner for Refugees

**Non-governmental organizations**

Ms. Aladar Horveth, President, Roma Civil Rights Foundation

Ms. Dimitrina Petrova, Executive Director, European Roma Rights Centre

Ms. Veronika Szente, Legal Advocacy Coordinator, European Roma Rights Centre

Mr. Martin Ill, Director, Martin Luther King Centre for the Defence of Human Rights

Mr. Ferenc Koszeg, Director, Hungarian Helsinki Committee

Mr. Jenö Zsigó, President, Roma Parliament, Hungary

Mr. Peter Tordai, President, Federation of Jewish Communities in Hungary

Mr. Imre Furmann, President, Legal Defence Bureau for National and Ethnic Minorities

Mr. Miklos Vásárhelyi, President, Soros Foundation, Hungary

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